

## REMARKS

Applicant gratefully appreciates the amount of time and consideration spent by Examiner Brooks on October 4, 2005 with regard to this Office Action. This is intended as a full and complete response to the Office Action dated July 8, 2005.

Claims 1,10,13-15, 17, 18, 20, 21, and 22 are currently amended in the Application.

Claims 1-23 are pending in the Application.

Applicant has amended the claims in regards to how the environmental factors correlate to an individual risk factor and how to obtain the value thereof.

### 1. Specification

Paragraphs [0008], [0009], [00023], and [00033] were objected to by the Office action due to grammatical errors and typos. The grammatical errors and typos in the disclosure paragraphs [0008], [0009], [00023], and [00033] have been corrected, as referenced in the appropriate section above. Applicant now seeks reconsideration as the disclosure is free of informalities and does not contain grammatical errors and typos.

### 2. Claim Objections

Claims 17, 18, 20, and 21 were objected to by the Office Action due to their mistaken dependency upon Claim 1. Applicant has corrected this mistake and has correctly referenced the claims to depend upon Claim 13. Applicant now seeks reconsideration as the claims are free from informalities.

### 3. 35 USC § 112

Claims 1,2,3,4,5,6,9,10, 16 and 13 are rejected under 25 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claims 1 and 13:

Claims 1 and 13 were properly interpreted by the Examiner to mean that an individual has certain identification information such as a name or fingerprint... etc.

With respect to claims 1 and 13 and all that depend therefrom:

Claims 1 and 13 and all that depend therefrom were objected to by the Office Action as to the uncertainty as to why the term "Risk Factor" is capitalized. Applicant has amended Applicant's Application claims 1 and 13 and all that depend therefrom so that the term "risk factor" is not capitalized. Applicant now seeks reconsideration as claims 1 and 13 and all that depend therefrom no longer have the term "Risk Factor" capitalized.

With respect to claims 2, 3, 4, 6, 9, 10 and 16:

Claims 2, 3, 4, 6, 9, 10 and 16 were properly interpreted by the Examiner to mean, "selected from one of..."

With respect to Claim 3:

Claim 3 was properly interpreted by the Examiner to mean, the step of validation/authorization is performed by the devices.

With respect to Claim 4:

Claim 4 was properly interpreted by the Examiner, in which a secondary party is one who is working for the company and performing authorization.

With respect to Claim 22:

Claim 22 was amended to correct a typo in reference to the smart card.

#### 4. 35 USC § 101

The Office Action objected to claims 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, 27, 32 and 33 under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter. Pursuant to a telephone

conversation with the Examiner on August 26, 2005 it was determined that the 35 USC § 101 objections in the Office Action were supposed to reference to the independent claims 1 and 13 only. Claims 1 and 13 have been properly amended to fix this problem. Applicant now seeks reconsideration for claims 1 and 13 as it is no longer directed to non-statutory subject matter.

#### 5. 35 USC § 102

Claims 1-5, 8-17, and 20-23 stand objected to under 35 U.S.C. § 102(b) as being anticipated by Patent Number 6,394,356 (Zagami).

Zagami refers to an access control system for monitoring human ingress and egress which consists of an input means for creating a unique identifier to be stored in a database. The unique identifier is displayed on a monitor coupled to the processing means. The system of the invention includes a sensing mechanism operable to interpret the machine-readable media. Access permission designators are associated with the unique identifier in the database to approve or deny access, or to grant selective access.

Applicant's invention refers to a method for providing access and tracking the access of registered and non-registered individuals at a secure point of entry to a secure environment. The application entails an establishing of the secure environment by and with an assigned environment risk factor; an individual requesting entry into the secured environment at the secure point of entry; sending the individual identifier to an authentication database; receiving a response from the authentication database verifying the individual is non-registered; asking the individual questions to create a profile, assigning a Risk Factor that is based upon the individual's profile; registering the individual and Risk Factor on the authentication database; making a comparison between the individual and environment risk factors; making a determination whether the individual is allowed entry into the secured environment; and adding the determination to the record of the individual in the authentication database.

## 6. 35 USC § 103

Claims 6, 7, 18 and 19 stand objected to under 35 U.S.C. § 103(a) as being anticipated by Patent Number 6,394,356 (Zagami) in view of "ChoicePoint in talks about airport card"; Credeur, Mary Jane; Atlanta Business Chronicle v25n17 pA1.

Credeur submitted a program that would work in this way: Interested passengers would agree to submit to a biometrics screening of their fingerprint or retina in addition to a background check, which likely would be conducted by ChoicePoint. ChoicePoint will maintain a database of more than 10 billion public records. These public records would likely be cross-referenced against lists compiled by the FBI, CIA or Immigration and Naturalization Service. Passengers would then receive some sort of rating and if they are deemed to be low-risk, they would receive a smart card that would hold not only their name, address and Social Security number, but also their biometrics data. Each time the passenger bought a plane ticket, special card readers would scan the smart card and also take the passengers finger or retinal scan. Then the passenger's credentials would be crosschecked against ChoicePoint's database to make sure the rating hasn't changed. This process of scanning the smart card, taking a finger/retina scan and checking the Choicepoint database would be repeated again at the airport when the passenger checks in, then the passenger would bypass regular security lines and proceed to a dedicated security line for Trusted Travelers.

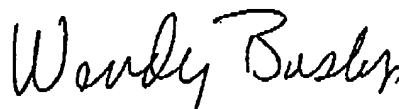
The prior art made of record referenced in the office action is noted and not relied upon nor is considered pertinent to applicant's disclosure.

- i. US 6,738,901, Boyles
- ii. "Preventing Terrorism in the drug wars"; Oct. 1, 2000; Carol Carey
- iii. "High-tech security systems team up with environmental design at military site"; Access Control and Security Systems Integration, Oct. 2000
- iv. Newton's Telecom Dictionary 18<sup>th</sup> edition; definitions of "biometrics" and "biometric Access Control" and "Biometric Device"
- v. Patent Numbers 6,779,721 and 5,841,886

Applicant appreciates the examiners time and attention to this matter. Applicant believes no new matter has been added with any amendments that have been made. Applicant believes claims as now provided are in condition for allowance. Reconsideration of this application is respectfully requested.

Reconsideration of this Application with the amended claims in view of the remarks expressed throughout this Response is respectfully requested.

Respectfully submitted,



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